REMARKS

The present amendment is in response to the Office Action dated December 28, 2004, where the Examiner has rejected claims 1-28. Accordingly, claims 1-28 are pending in the present application. Reconsideration and allowance of pending claims 1-28 in view of the following remarks are respectfully requested.

A. Rejection of claims under 35 USC §103

In paragraphs 1 and 2 of the office action, the Examiner rejects claims 1-28 under 35 USC 103(a) as being unpatentable over Hutchison (US. Pat. No. 6,725,061) in view of Chang (US Pat. No. 6,330,247).

Claim 1

The applicant traverses the rejection of claim 1, and respectfully submits that not all the limitations of claim 1 are disclosed or suggested by Hutchison and Chang, either individually or in combination, and therefore the Examiner has failed to make a prima facie case of obviousness. For example, claim 1 has an accessory that comprises "a memory configured to store predefined control data". As defined with reference to figure one of the specification, the predefined "Control Data" is:

> *... data that controls accessory or electronic device operation or interaction or software code or software patches or updates and may optionally be encapsulated within a packet and may include execution or activation instructions. Accessory interaction is defined herein to mean the operations, communications or interface that occurs between an accessory and an electronic device prior to, during, and after their use together. See, Specification, pg. 14, lns. 5 - 14.*

Predefining and storing this control data in the accessory provides the advantage of insuring the proper control data is with the particular accessory and that the electronic device has access to the control data. *See, Specification, pg. 14, lns. 13 - 16.*

In the Office Action, the Examiner states that Hutchison does not disclose the "control data" limitation, and therefore looks to Chang for this limitation. More specifically, the Examiner states that:

> *"Chang et al teaches storing control date (e.g., Software Version Number(SVN), VR Mode, Generic Mode, Extended Software Version Number, Carkit status, etc.) in means (116) of an accessory (102)..." (Office Action, pc. 3, lns. 15-17)*

However, none of the types of information listed by the Examiner are "control data" as claimed. For example, the Software Version Number is merely a number, selected from a limited range, to identify the version number of the software in the accessory. At col. 8, lns. 15 - 19, Chang states:

> **The SVN is used as a response to the Software Version Inquiry command from microprocessor 106 described above. In the exemplary embodiment, the range of the SVN is from 0 to 1023 in decimal.**

This SVN is generated in response to an inquiry, and is only used for the limited purpose to determine if the accessory is operating the correct version of software. *See Chang, col. 5, lns 44 - 49.*

In a similar manner, the "VR Mode" is merely a status response from the accessory. More particularly, the accessory receives a VR command, and responsive to the command, transmits status information. *See Chang, col. 8, lns. 24 - 34.* This status information may be "a sequence of digits", and as more specifically embodied, is limited to "digits only, not control bytes". *Id.* As such, the VR command cannot be considered "control data" as claimed.

The next type of information identified by the Examiner is the "Generic Mode" information. This, too, is merely status information regarding the accessory, and is not control data. More particularly, the generic mode includes several individual status reports regarding the state of the external accessory. As stated at col. 8, lns. 40 - 50 of Chang:

> Generic Mode information includes the following:
> 1. Privacy Handset Offhook/Onhook;
> 2. Current Audio Path;
> 3. PCM Volume Control;
> 4. Power Status;
> 5. Stereo Mute/Un-mute; and
> 6. Carkit Modes.
>
> Each of these groups of information relays information about the various operational parameters and states of the external accessory **102**.

The "Extended Software Version Number" cited by the Examiner also is not control data as claimed, but instead is just another version stamp of very limit length. This information also has a very limited purpose, for example, to encode information such as a filename. Indeed, the Extended Software Version Number of Chang is only 8 bytes long. Further, this information is sent only responsive to an inquiry. See, Chang col. 8, lns. 58 - 64:

> As mentioned previously, the Extended SVN information is stored in AUX DSP **116** as a version stamp, which consists of eight ASCII characters. For example, the version stamp may be used to encode the filename of the DSP software source file. The Extended SVN information is reported only when the microprocessor **106** transmits the Extended SVN Inquiry command described above.

Finally, the Examiner lists "carkit status". Again, this is merely a status response, and is not "control data" as claimed. For example, Chang, at col. 5, lns. 50 - 55 states:

> The Carkit Status Inquiry command allows the microprocessor **106** to poll the current status of the external accessory **102** whenever appropriate. This allows the microprocessor **106** to check the consistency of the operational modes between the microprocessor **106** and the AUX DSP **116**.

As described above, neither i) Software Version Number(SVN), ii) VR Mode, iii) Generic Mode, iv) Extended Software Version Number, nor v) Carkit status can be considered control data as recited in claim 1.

Further, Chang does not teach a wireless communication device that comprises a processor configured to use control data to operate an accessory, as recited in claim 1. As stated in the Specification:

> *The accessory includes memory configured to store the control data and interface with an electronic device. This provides the advantage of the most current control data, which is tailored for the accessory, always being associated with the accessory and available for use by an electron device that may connect to the accessory. Specification, pg. 7, lns. 14 - 19*

> *The control data may be downloaded or transferred to the electronic device for use by the electronic device to guide operation of and interface with the accessory. Specification, pg. 8, lns. 4 - 6.*

Instead, as described above, Chang has a device that receives status information from the accessory. Irrespective of the status information received from the accessory, Chang continues to use the same operational control process on the device to control the accessory. Importantly, the teachings of Chang are consistent with the prior art systems identified in the Background to the Specification of this application:

> *In systems of the prior art the electronic device stored the software that controls interaction between the electronic device and the accessory. This presents many drawbacks which the methods and apparatus disclosed herein overcome. Specification, pg. 3, lns. 3 - 7.*

> *Systems of the prior art utilized a digital interface between the telephone and the accessory for exchange of voice data or upload of accessory data from the telephone to the accessory. Specification, pg. 5, lns. 8 - 13.*

> *In systems of the prior art the electronic device is sold with pre-stored control data loaded into the memory of the electronic device. Over time, however, new accessories are introduced or existing accessories are modified or improved. ... As a result, the pre-stored control data of the electronic device is no longer the most up to date control data. A default, or best match control data stored on the electronic device often had to suffice. Specification, pg. 6, ln. 22 to pg. 7, ln. 9.*

Chang fails to teach or suggest any process or device whereby an accessory stores predefined control data, and that predefined control data is used by the device's processor to operate the accessory.

Since the references cited by the Examiner fail to disclose all the limitations of claim 1, the applicant submits that Hutchison and Chang cannot render claim 1 obvious. As a result, claims 2 - 8, which depend from claim 1, are also not rendered obvious.

Claim 9

The applicant traverses the rejection of claim 9, and respectfully submits that not all the limitations of claim 9 are disclosed or suggested by Hutchison and Chang, either individually or in combination. For example, claim 9 has an accessory that comprises "a memory configured to store predefined control data". As more fully described in the discussion with reference to claim 1, neither Hutchinson nor Chang teach of suggest such a limitation. Since the references cited by the Examiner fail to disclose all the limitations of claim 9, the applicant submits that Hutchison and Chang cannot render claim 9 obvious. As a result, claims 10 - 12, which depend from claim 9, are also not rendered obvious.

Claim 13

The applicant traverses the rejection of claim 13, and respectfully submits that not all the limitations of claim 13 are disclosed or suggested by Hutchison and Chang, either individually or in combination. For example, claim 13 has an process that that comprises a step of "storing predefined control data in the accessory", and then "transferring the control data to the communications device". As more fully described in the discussion with reference to claim 1, neither Hutchinson nor Chang teach of suggest such a limitation. Since the references cited by the Examiner fail to disclose all the limitations of claim 13, the applicant submits that Hutchison and Chang cannot render claim 13 obvious. As a result, claims 14 - 21, which depend from claim 13, are also not rendered obvious.

Claim 22

The applicant traverses the rejection of claim 22, and respectfully submits that not all the limitations of claim 22 are disclosed or suggested by Hutchison and Chang, either individually or in combination. For example, claim 22 has an process that that comprises

steps of "receiving ... new control data", and then "using the new control data". As more fully described in the discussion with reference to claim 1, neither Hutchinson nor Chang teach of suggest such limitations. Since the references cited by the Examiner fail to disclose all the limitations of claim 22, the applicant submits that Hutchison and Chang cannot render claim 22 obvious. As a result, claims 23 - 25, which depend from claim 13, are also not rendered obvious.

Claim 26

The applicant traverses the rejection of claim 26, and respectfully submits that not all the limitations of claim 26 are disclosed or suggested by Hutchison and Chang, either individually or in combination. For example, claim 26 has an apparatus that comprises "means for receiving control data from the accessory". As more fully described in the discussion with reference to claim 1, neither Hutchinson nor Chang teach of suggest such a limitation. Since the references cited by the Examiner fail to disclose all the limitations of claim 26, the applicant submits that Hutchison and Chang cannot render claim 26 obvious. As a result, claims 27 and 28, which depend from claim 26, are also not rendered obvious.

B. Conclusion

The applicant has reviewed the prior art made of record but not relied upon as set forth in the office action.

The applicant believes the pending claims are patentably distinguishable from these references. For all the foregoing reasons, an early allowance of claims 1-28 pending in the present application is respectfully requested.

Respectfully submitted,

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